

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Anthony McCoy,
Petitioner,

v.

Warden, Lebanon Correctional Institution,
Respondent.

Case No. 1:07cv018

Judge Michael R. Barrett

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed December 21, 2007 (Doc. 11); and Petitioner's Motion to Appoint Counsel (Doc. 9) filed July 12, 2007. Based upon the Court's ruling below, Petitioner's Motion to Appoint Counsel (Doc. 9) is hereby **denied as moot**.

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** and the Petition is dismissed with prejudice. Absent good showing, Petitioner will not be permitted to appeal this action *informa pauperis* and any request for a certificate of appeal will be denied. This action is closed.

IT IS SO ORDERED.